



UPPER UWCHLAN TOWNSHIP  
Planning Commission Meeting  
August 11, 2016  
Minutes  
Approved

In Attendance:

Bob Schoenberger, Chair, Sally Winterton, Vice-Chair, Joe Stoyack, Ken Engle, Jim Shrimp, Bob Phillips, Brett Hand, MaryLou Lowrie, P.E. – Gilmore & Associates, Sheila Fleming – Brandywine Conservancy, Al Gaspari – Township Codes Administrator, Gwen Jonik - Planning Commission Secretary,

Bob Schoenberger called the meeting to order at 7:30 p.m. as a quorum was present.

Acme Markets Conditional Use Application

Greg Davis, Esq., Saul Ewing Law, representing Acme Markets, Karen McKay – Acme Real Estate Manager, and Adam Loew, Property Owner, were in attendance. Mr. Davis distributed a drawing of the Acme store layout and a photo of a Frosted Mug Restaurant, which Acme is proposing to construct within their store in the Eaglepointe Shopping Center. Conditional Use Approval is needed for a restaurant in the C-1 Village Commercial District. The Conditional Use Application proposes converting 5,400 SF inside the store to a “Frosted Mug” Restaurant. The bank and produce section will be adjusted to add the restaurant. Ms. McKay noted that Acme would like to sell beer and wine for off-site consumption with a ‘restaurant license’ requiring 30 seats within the store and limited to selling only restaurant-style single-serving soups, sandwiches, side salads, etc. The restaurant will have its own cash register as alcohol sales must be checked out separately from the grocery store; will be defined via half-walls or other manner of barrier; will have its own entrance; has to be connected to food preparation areas; the food used in the restaurant is already sold in the store. Alcohol is stored remotely within inside the store’s warehouse, within locked cyclone fencing. The only exterior change to the store would be a sign. Restaurant operating hours are shorter than the store.

The Commission members questioned the availability of public sewer capacity and who inspects the store for the proper handling and processes with the alcohol. Mr. Loew advised that he has been speaking with the Cary Vargo and Matt Brown regarding the public sewer needs and discussion has suggested moving Acme’s flows (14 EDUs) from the Eaglepointe Wastewater Treatment Facility (WWTF) to the Route 100 WWTF, which would then allow flows from a new store in the former Stadium Grill site to go to the Eaglepointe WWTF. Ms. McKay advised that inspections, permits and licenses for the restaurant, food handling and alcohol handling are via township zoning and codes, the Liquor Control Board, the County Health Department, etc. Mr. Davis advised the Board of Supervisors approved the transfer of the liquor license in March 2016, which at the time focused on beer sales. Ms. McKay noted that the sale of wine has been approved by the State since the Supervisors’ approval but Acme had included wine in their application to the PLCB.

Joe Stoyack moved, seconded by Ken Engle, to recommend that the Board of Supervisors conduct a Conditional Use Hearing and approve Acme’s request. The Motion carried unanimously.

Robert and Amy McHugh Minor Subdivision Plan

Bob McHugh, property owner, and Adam Brower of E. B. Walsh were in attendance. Adam Brower presented a 3-lot subdivision for the 17.2 acre McHugh property located on Moore Road within the R-2 zoning district. One lot would include 13.5 acres and the existing house; one lot

would include the existing barn, which could be renovated as a residence; one vacant lot that could be developed. There are no easements at this time, however the lot with the barn might need a sewer easement to the existing house lot.

Joe Stoyack moved, seconded by Sally Winterton, to accept the Minor Subdivision Plan for review. The Motion carried unanimously. The Applicant will attend the Commission's September meeting.

#### Parcel 5C "Village at Byers Station" Subdivision / Amended PRD Plan

Bob Dwyer was in attendance to present a revised sketch of the project. He had met with the consultants following their review letters and can address most of their comments – there are some constraints with the soils for storm water infiltration areas; there will be parking within 100-feet of each home; the 28' wide cartway with parking on 1 side is consistent with the rest of Byers Station.

The revised sketch proposes a compromise for the trails and/or sidewalks in and around the parcel, showing a multi-use trail along Station Boulevard, Pottstown Pike, and Darrell Drive; no trail on the Graphite Mine Road side as that would be redundant. Sidewalk is added to the interior in order to connect the residents with the retail center from Darrell Drive. There will be ample sidewalk within the retail center, crosswalks at Graphite Mine Road / Station Boulevard and at Graphite Mine Road / Darrell Drive. An internal path has been added from the homes to the trail along Pottstown Pike. A waiver is sought from providing sidewalks on both sides within the project, in exchange for the trails and paths. The internal road will be private, not dedicated to the Township.

Commission members expressed concern for lack of sidewalk for the homes that abut Pottstown Pike; the turns into the driveways will be difficult as the driveways are not flared; will there be room in garages to store trash/recycling totes; a playground with multi-level slides, jungle gym, swings, and benches for the parents should be provided as a Tot Lot doesn't hold children's attention as long; can backyards have fences; will school buses enter the development if the roads aren't dedicated.

The Applicant responded to these issues as follows:

The perimeter trails will be dedicated to the Township but the interior trail(s) and sidewalks will not. They can work on the turning radii and other movements. Each unit has a 1-car garage (10x20 inside) and 1-car driveway. The driveway could have a slight flare. They'll make room for trash/recycling toter storage inside the garage. If 1-side sidewalk is provided throughout the residential areas, they can't provide all the other trails. They are trying to find suitable areas for water recharge areas. The sidewalks in the retail center are important to the circulation of that section and out to Station Blvd. There is a trail planned along the west side of Pottstown Pike. There are no fences proposed except along the Pottstown Pike trail, to keep pedestrians from falling down the hill. Perhaps in exchange for not building the trail along the east side of Pottstown Pike they could contribute funds elsewhere.

Sheila Fleming of Brandywine Conservancy presented a 3-D simulation of Parcel 5C, including a birds-eye view and a ground-level view of the parcel, with shrubs and trees shown at 20-year growth. In 20 years, the trees along Pottstown Pike will screen quite a bit of the residential rooftops. Ms. Fleming reiterated that the Master Trail Plan of the early 2000s showed the multi-use trail along Graphite Mine Road (existing) and only on the west side of Pottstown Pike.

In summary, tonight's discussion favors eliminating providing the trail along the east side of Pottstown Pike, adding sidewalk in the residential areas, and improved crosswalks to access sidewalks and trails across Pottstown Pike and Graphite Mine Road. They'll revise the Plan and return in October.

#### Draft Ordinance Review and Discussion

Demolition of Historic Resources. Al Gaspari advised that there is a general demolition permit in the Township Codes. This draft ordinance establishes a permitting process for demolition of *historic resources*, whether deliberate or by neglect. The Historic Commission would participate in the review of the permit and make a recommendation to the Board of Supervisors. There could be a 90-day waiting period in order to document the historic resource.

The Historic Commission didn't review the draft at their July meeting and the Planning Commission wishes to wait for the Historic Commission to discuss it at their August 22, 7:00 PM meeting.

Keeping of Chickens in Residential Areas. Al Gaspari had drafted a fairly restrictive ordinance following his research of other townships and with direction from the Township Solicitor. He responded to concerns raised by the Commission members at last month's meeting.

This draft did not address ducks, geese, or guinea hens because they are loud and most people do not want to raise them;

Using the lot size as the determining factor for the number of chickens is that the purpose of the ordinance is to address the keeping of a *small* number of chickens.

A permit is needed in order to review the size and placement of the shelter / accessory building.

The prohibition of slaughtering is so that commercial operations don't ensue.

Proper disposal of waste is addressed as it is quite smelly and draws flies.

The general consensus was that the draft should be simplified. Mr. Gaspari will revise the draft.

#### Approval of Minutes

Joe Stoyack moved, seconded by Jim Shrimp, to approve as presented the July 14, 2016, Planning Commission meeting minutes. The Motion carried with 6 in favor and 1 abstention (Winterton).

#### Open Session

No comments were offered.

#### Adjournment

Joe Stoyack moved, seconded by Sally Winterton, to adjourn the meeting at 9:23 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary